

## **SANTA CLARA POLICE DEPARTMENT GENERAL ORDER 83.2**

### **COLLECTION AND PRESERVATION OF EVIDENCE: OPERATIONS**

**ISSUED APRIL 2006**

#### **83.2.1 Collection, Processing and Preserving of Evidence**

General Guidelines:

To reduce the possibility for damage, loss or movement of evidence, the first officer at the scene of a crime shall secure the scene from all nonessential personnel, including officers not collecting evidence. The officer securing the scene will document the name, reason and time of all persons who enter the crime scene. Personnel at the scene shall not disturb, touch or handle physical evidence, unless danger exists that the evidence will be lost or destroyed prior to processing by a crime scene evidence investigator (CSEI) or officer given that responsibility. Should such a situation arise, it becomes the responsibility of that officer to mark, tag and preserve the evidence.

A trained CSEI may be requested to evaluate, photograph and process the scene for physical evidence on the following incidents:

- Homicide
- Suicide
- Rape
- Arson
- Robbery
- Major assault
- Serious injury or fatal traffic incidents
- Kidnap/Abducted children

This list does not limit requesting CSEI's on other offenses not listed where evidence requires processing.

The CSEI acts only in support of the investigating officer and as such may act as an advisor, but the investigating officer still maintains control of the crime scene.

CSEI's responding to a crime scene (or other personnel assigned to process the scene) shall be responsible for photographing, collecting, preserving, documenting, transporting and submitting all evidence to the property room.

All evidence submitted to the property room shall be properly marked and tagged.

The Santa Clara County Crime Lab shall be called to assist in the collection of evidence in instances where such collection is of a complex nature or special processing or equipment is

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required. Calling the County Crime Lab will only be done with the approval of the supervising officer on the scene.

### **Procedures**

#### Seizure and collection of blood, urine or other body fluids from persons:

In any arrest or investigation where it is necessary to obtain a sample of blood or other body fluid from a person, the sample will be collected by a person qualified as authorized by state law, and in compliance with procedures outlined by the Santa Clara County Criminalistics Laboratory.

All samples submitted shall be placed in the locked drop box in the property refrigerator. Storage temperature should be maintained between 36 and 42 degrees Fahrenheit. The Property Clerk will monitor the storage temperature at least once each working day.

#### Collection of blood and/or other body fluids at major crime scenes:

Blood, urine, semen and other body fluids will be collected at a crime scene where they are found by CSEI's trained in collection procedures. As all body fluids are biohazards, strict adherence to collection procedures and laws regarding hazardous materials and the handling of potential bloodborne pathogens shall be followed.

All specimens collected in liquid form will be maintained in the evidence refrigerator.

All specimens collected will be marked and tagged as appropriate to identify and preserve them for analysis.

#### Collection of other items as evidence:

All other items collected as evidence shall be collected following procedures established by the Santa Clara County Criminalistics Laboratory. All evidence considered a hazardous material shall be handled according to applicable laws and policies.

Wet clothing (including blood-soaked) or other wet materials collected as evidence shall be dried in the drying lockers prior to being packaged and submitted as evidence.

All items placed in the drying locker will be entered into the property system, and the location booked will be noted as the drying locker.

Documents that are wet for any reason will be handled in the same manner as wet clothing.

All firearms submitted to the Property/Evidence Room must be unloaded and the ammunition packaged separately, pursuant to [General Order 84.1.1](#).

Dangerous drugs (including, but not limited to narcotics, hallucinogens, narcotic paraphernalia and implements) submitted to the Property/Evidence Room will be processed pursuant to [General Order 84.1.1](#).

Money will be processed pursuant to [General Order 84.1.1](#).

Volatile fluids of evidentiary value will be stored in the flammable liquids storage locker maintained by the Property Clerk. Excess volatile fluid will be disposed of in accordance with the Environmental Protection Agency and Santa Clara Fire Department procedures for hazardous materials.

Volatile fluids shall **never** be placed into the Evidence lockers. In cases where these fluids must be kept, the Property Clerk will be contacted, and he/she will accept the evidence and store it in the flammable liquids storage locker.

No explosives, dangerous chemicals, nuclear material or ammunition larger than .50 caliber will be submitted to the Property/Evidence Room. Contact will be made by the supervisor of the investigating officer or of the Property Clerk with the Fire Department, Environmental Protection Agency, San Jose Police Bomb Disposal Unit or other specialized agency when such material is recovered. All such items will be photographed and disposed of according to procedures specified by the handling agency. Handling of the items will be accomplished by the specialized agency requested at the scene.

Prior to submitting hypodermic needles as evidence, officers will place the syringes in plastic collection tubes provided by the department.

All evidence seized will be entered into the property system prior to the end of the seizing officer's shift. If a CSEI is examining evidence in the CSEI lab, approval from a supervisor or case investigator must be obtained to leave the evidence in the CSEI lab when the officer's shift is over.

Any evidence held in the lab will be so noted in the Property system, and such evidence shall be stored in the locked temporary storage lockers when not being processed. Under no circumstances will evidence be left unattended in the lab, or be present without an appropriate evidence tag attached.

### **83.2.2 Crime Scene Photography**

The decision to photograph crime scenes, traffic collisions and other incidents is the responsibility of the reporting officer. If the officer does not have a camera, contact should be made with an on-duty CSEI or a Sergeant.

When photographs are indicated, all aspects of the crime scene, traffic collision or other incident will be photographed using digital or 35mm-photography equipment supplied by the department.

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Major crime scene photography shall include a photographic header providing the following descriptive information:

- The date and time
- The location of occurrence
- The case number
- The investigating officer's name and CJIC number
- The name and CJIC number of the officer taking the photographs, if different from the investigating officer.

The following situations may require the use of photography if photographs will have evidentiary value:

- Homicide
- Rape or kidnapping
- Injuries to a police officer or citizen during arrest
- Collisions, damage or injury involving City property
- Fatal or serious traffic collisions
- Burglaries where loss exceeds \$5,000.
- Arson or suspected arson
- Investigation of discharge of firearms by a police officer
- Aggravated or felonious assault
- Any injury to a police department employee sustained on duty
- Any crime scene upon request of the reporting or investigating officer.

Digital photographs are to be taken in situations requiring immediate access to the photographs. Digital photography may also be used in lieu of 35mm film.

Videotape recordings may be used in conjunction with 35mm/digital photographs. Videotaping should not replace still photographs.

When the exact size of an item being photographed is required, a scale will be placed next to the item to add dimension and aid in development of "one-to-one" prints. An initial photograph of the item will be taken without the scale, using the same camera settings, position and lighting in the event the court desires photographs of evidence in which nothing has been introduced into the field of view. This first photograph will ensure that no alteration of the evidence occurred when the scale is placed in the field of view.

If the evidence to be photographed is a fixed object, the dimension of that object should be determined to provide a scale of reference.

Upon completion of the photography and scene processing, the film (or digital memory stick) will be submitted to the property room. A notation that photographs were taken at the scene (including the number of photographs) will be made in the offense report.

Requests from complainants, legal firms, insurance companies, or outside agencies for copies of photographs taken and submitted as evidence shall be directed to the CSO designated with responsibility for photographic duties.

### **83.2.3 Latent Fingerprints**

The following general guidelines will be followed when processing a crime scene for latent prints:

Latent impressions developed with fingerprint powder may be photographed on the original object. After being photographed, they should be lifted.

The lifted print is to be placed on a Latent Fingerprint card (SCPD #088) and the following information listed:

- Date and time latents lifted,
- Case number,
- Crime(s),
- Victim's name,
- Location from where latents were lifted,
- Whether photographs were taken,
- Processing officer's name and i.d. number.

A sketch of the object printed and location of the lift(s) should be placed on the card, along with any pertinent remarks.

When requesting a comparison of latent prints with fingerprints of a known suspect, the requesting officer will include inked finger and palm print cards along with the request (if available). Additionally, elimination prints should be obtained (from individuals whose prints could legitimately be located) when possible.

### **83.2.4 Evidence Collection Equipment**

The Department shall provide a variety of items for use in the collection and preservation of physical evidence. Additionally, CSEI's will be provided additional tools for the specialized nature of their assignments. These items will include, but not be limited to:

- Equipment for latent print recovery
- Photography equipment
- Equipment for preparing crime scene sketches
- Equipment for the collection and preservation of physical evidence.

### **83.2.5 Documentation of Evidence Collection**

All sworn personnel shall be aware of what evidence is needed to meet the requirements of the offense being investigated.

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If an officer or CSEI decides that no evidence can be collected or photographs taken at a scene, a supplemental report will be submitted outlining the reasons.

### Crime Scene Sketches

When crime scene sketches are drawn pursuant to the collection and preservation of evidence, they will contain the following information:

- Dimensions,
- Relation of the crime scene to other buildings, geographic features or roads,
- Address, floor or room number, as appropriate,
- Location of significant features of the scene, including the victim,
- Date and time of preparation,
- Name(s) of person(s) preparing the sketch,
- Direction of 'North,' and
- Location of items of physical evidence recovered.

Generally, the processor of the scene will make rough sketches and measurements, including sufficient additional information so a final drawing to scale can be made at a later time. These rough sketches are evidence and should be maintained with the report.

### 83.2.6 Collection of Comparison Samples

When the following types of physical evidence/ trace evidence are collected from a crime scene, a known standard must also be collected and submitted as a comparison (when available):

- Blood
- Hair
- Fibers
- Paint
- Glass
- Wood
- Metal
- Soil
- Tool marks
- Footwear

The location from which the samples are taken is critical for the examination process, and should be documented in the collection report.

### 72.32.2 Proposition 69 (2004) DNA Collection

**Purpose:** To provide procedures and training guidelines for obtaining a DNA sample from arrestees meeting the collection requirements specified in Proposition 69 (effective January 1, 2009).

**Policy:** It is the policy of the Santa Clara Police Department to comply with the collection of DNA samples from arrestees and registrants meeting the guidelines set forth in Proposition 69.

**Procedure for determining DNA collection for arrestees processed at SCPD:**

1. When an arrestee is brought into the THF, it will be the Jail Service Officer's (JSO) responsibility to determine the arrestee's PC 296 compliance status.
  - a. The JSO will check for this compliance by having a Records Specialist run the arrestee through CII.
2. If the arrestee meets the requirements for collection, and the arrestee will be released from SCPD (without going to county jail), the DNA collection will be made prior to the arrestee being released by the JSO.
  - a. If a detective (SCAT or otherwise) takes custody of the arrestee before the DNA collection is made, the JSO will notify the detective of the need for DNA collection and the detective will be responsible for the DNA collection.
3. If the arrestee will be transported to county jail, no DNA collection needs to occur at SCPD/THF.
  - a. County jail personnel will make the collection.

**Procedure for determining DNA collection for registrants:**

1. When a registrant comes to SCPD to register (e.g. PC 290, PC 457.1, etc), it will be the JSO's responsibility to determine the registrant's PC 296 compliance status.
  - a. The JSO will check for this compliance by having a Records Specialist run the arrestee through CII.
2. If the registrant meets the requirements for collection, the DNA collection will be made before the registrant leaves SCPD.

**Procedure for determining DNA collection for arrestees (no JSO):**

1. When an arrestee is brought to SCPD (or released in the field), it will be the arresting officer's responsibility to determine the arrestee's PC 296 compliance status.
  - a. The officer will check for this compliance by having a Records Specialist run the arrestee through CII.
2. If the arrestee meets the requirements for collection, and the arrestee will be released from SCPD, the DNA collection will be made prior to the arrestee being released by the officer.
  - a. If a detective (SCAT or otherwise) takes custody of the arrestee before the DNA collection is made, the officer will notify the detective of the need for DNA collection and the detective will be responsible for the DNA collection.

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3. If the arrestee will be transported to county jail, no DNA collection needs to be made.
  - a. County jail personnel will make the collection.

### **Procedure for DNA collection:**

1. The JSO/officer will advise the arrestee/registrant of their need to comply with the DNA collection required by Proposition 69.
2. The JSO/officer will open a Cal DNA kit.
3. The JSO/officer will ask the arrestee/registrant to open their mouth.
4. The JSO/officer will take the swab and rub it up and down against the inside of the arrestee/registrant's cheek ten times.
5. The JSO/officer will place the swab into the collection container and the container into the envelope.
6. The JSO/officer will place the envelope into the outgoing mail.

### **Procedure for arrestee/registrant non-compliance:**

1. The arrestee/registrant will be advised of their need to comply with the law or be charged with PC 298.1(a).
  - a. PC 298.1(a) is a misdemeanor.
2. If the arrestee/registrant continues to refuse the DNA collection, an on-duty supervisor will be called.
3. If the arrestee/registrant still refuses the DNA collection, the arrestee/registrant will be charged with PC 298.1(a) and transported to county jail.
  - a. County jail personnel will make the collection.
4. No force will be used by the Santa Clara Police Department to obtain a DNA sample for compliance with Proposition 69.